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DEC 04 2008

OFFICE OF PETITIONS

In re Application of :
Henrik Holter :
Application No. 10/520,462 : **DECISION ON PETITION**
Filed: August 12, 2005 :
Attorney Docket No. 43327-212567 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed July 30, 2008.

The petition is **GRANTED**.


The above-identified application was held abandoned for failure to timely file a response to the final Office action mailed September 24, 2007. This Office action set a shortened statutory period for reply of three (3) months. Therefore, the last day a reply could have been timely filed, with a three month extension of time, would have been March 24, 2008. The Office mailed a Notice of Abandonment on May 30, 2008.

A review of the application file reveals the presence of a Request for Continued Examination (RCE), filed on March 24, 2008, made timely by obtaining a three month extension of time. A review of Office finance records confirms that the Office received the fee for the three month extension of time on March 24, 2008. Accordingly, it is obvious that the Notice of Abandonment was mailed in error.

In view thereof, **the holding of abandonment is withdrawn.**

The matter is being forwarded to Group Art Unit 2821 for consideration of the Amendment, timely filed with a three month extension of time on March 24, 2008.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in black ink, appearing to read "Cliff Congo", with a stylized flourish at the end.

Cliff Congo
Petitions Attorney
Office of Petitions